

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                                                                                                                                                                                                                                                                 |   |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|------------------------------------|
| CAPITOL RECORDS, INC., a Delaware corporation; UMG RECORDINGS, INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; INTERSCOPE RECORDS, a California general partnership; and BMG MUSIC, a New York general partnership, | ) | Case No.: 1:07-cv-03762            |
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|                                                                                                                                                                                                                                                                 | ) | Judge Christopher A. Boyko         |
|                                                                                                                                                                                                                                                                 | ) |                                    |
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| Plaintiffs,                                                                                                                                                                                                                                                     | ) | <b><u>Default Judgment and</u></b> |
|                                                                                                                                                                                                                                                                 | ) | <b><u>Permanent Injunction</u></b> |
| v.                                                                                                                                                                                                                                                              | ) |                                    |
|                                                                                                                                                                                                                                                                 | ) |                                    |
| KIMBERLY BERKE,                                                                                                                                                                                                                                                 | ) |                                    |
|                                                                                                                                                                                                                                                                 | ) |                                    |
| Defendant.                                                                                                                                                                                                                                                      | ) |                                    |

Based upon Plaintiffs' Motion For Default Judgment by The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the six sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Four Thousand Five Hundred Dollars (\$4,500.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Alone," on album "Bad Animals," by artist "Heart" (SR# 88-275);
- "Beverly Hills," on album "Make Believe," by artist "Weezer" (SR# 376-565);
- "Break," on album "Bebe Le Strange," by artist "Heart" (SR# 17-640);

- "Bathwater," on album "Return Of Saturn," by artist "No Doubt" (SR# 279-727);
- "The Trouble With Love Is," on album "Thankful," by artist "Kelly Clarkson" (SR# 355-313);
- "You Give Love a Bad Name," on album "Slippery When Wet," by artist "Bon Jovi" (SR# 71-794);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: February 29, 2008

By: s/Christopher A. Boyko  
United States District Judge